IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLIATION NO.935/06

Mukesh Manikumar Saraf @
Mukesh Gupta @ Mukesh Agrawal .... Applicant

V/s.

The State of Maharashtra .... Respondent

Shri.S.G.Rajput Adv. for the applicant.
Miss.M.M. Deshmukh APP for the State.

CORAM : V.M. KANADE, J.

DATED : 13/04/06

P.C.:-

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The applicant was arrested on 9th February 2006 in connection with C.R.No.200/2005 registered with Tardeo Police Station for the offences punishable U/s.465, 467, 471, 420, 32 of IPC.

3. It is the case of the prosecution that complainant had been cheated by the present applicant and one Raju Patel for the sum of Rs.42,000/-.

4. It is alleged that complainant wanted a loan of Rs.20 lacs from Mukesh Gupta and Raju Patel for three months. It is alleged that complainant met applicant on 10th April, 2005 in his shop and two demand drafts were given for the amount of Rs.19,88,974/-. It is alleged that said demand drafts which were deposited in the bank could not be encashed and it was informed that they were bogus demand drafts.

5. Learned Counsel for the applicant filed an affidavit in reply in which he states that the applicant during the relevant period was in judicial custody from 27/3/2005 to 11/04/2005. He submitted that, therefore, the case of the complainant that the applicant met on 10th April is totally false.

6. Since the applicant was in jail during the period when complainant has alleged that he had given two demand drafts, in my view, prima facie case is made out for grant of bail.

7. Considering the facts and circumstances of the case the applicant be released on bail in the sum of

Rs.5,000/- with one or two sureties in like amount. The applicant shall report to Tardeo Police Station once in a week till filing of the chargesheet and thereafter once in a month.

8. The applicant shall not tamper with the evidence or threaten the witnesses. If any complaint is received by the Investigating Officer, the Public Prosecutor is at liberty to file an application for cancellation of bail.

9. The Trial Court shall not be influenced by any observations made by this Court while deciding the application and they shall not be construed as an expression of opinion on merits of the case.

10. The application is accordingly disposed of.

V.M. KANADE J.